MINUTES BOARD OF SUPERVISORS COUNTY OF YORK

Regular Meeting November 16, 2004

7:00 p.m.

<u>Meeting Convened</u>. A Regular Meeting of the York County Board of Supervisors was called to order at 7:03 p.m., Tuesday, November 16, 2004, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

<u>Attendance</u>. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

<u>Invocation</u>. Rabbi Scott Gurdin from Temple Sinai gave the Invocation.

<u>Pledge of Allegiance to the Flag of the United States of America</u>. Chairman Shepperd led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. David Steele, Resident Engineer, Virginia Department of Transportation (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He mentioned that Traffic Engineering would be looking into the numerous problems raised by citizens in the Lotz Acres development. He reported that the road over the dam on East Queens Drive had been successfully opened, and he described the improvements made to the road. He described the drainage problems in the Dandy area and stated these problems would have to be continually worked on with the County. He mentioned that the speed study on Wildey Road is taking place now, and he reported the lane striping of Fort Eustis Boulevard was complete. Mr. Steele stated he has requested a traffic signal study for the intersection of Lakeside Drive and Dare Road.

Mrs. Noll asked for the status of The Greenlands and its signage.

<u>Mr. Steele</u> acknowledged that the residents of The Greenlands wanted additional signage, including the additional \$200 fine signs for speeding. He listed the locations where sign installations will occur and noted that some of the roads have not yet been accepted into the State Secondary Highway System.

<u>Mr. Bowman</u> spoke on the construction in Seaford along Back Creek Road that caused a 45-minute back up in traffic. He addressed the large speed bumps on Back Creek Road and suggested they be milled down. He noted there is a drainage pipe under Goodwin Neck Road that is starting to collapse and causing the surface of the road to drop down a few inches, and he asked Mr. Steele to look into these matters.

<u>Mr. Steele</u> explained that the type of work Mr. Bowman spoke of is managed by the VDOT Land Use Permit Department, and he stated he will contact them for repairs.

<u>Chairman Shepperd</u> thanked Mr. Steele for the work done in his area and throughout the County.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

<u>Chairman Shepperd</u> introduced and welcomed Mr. Nathan Smith and Mr. Jan Briede, newly appointed members to the York County Wetlands Board, and presented them with Boards and Commission Handbooks and County pins.

<u>Mr. McReynolds</u> made presentations explaining each of the four NACo achievement awards received this year, and <u>Chairman Shepperd</u> presented the award plaques to representatives of the following departments:

Environmental and Development Services: "Homeowners Guide to a Healthy Stormwa-

ter Drainage System"

"Environmental Educational Videos"

<u>Financial and Management Services:</u> "Access Historic Documents Via Geo-

graphic Visualization"

"Addressing the Challenges of Surplus Prop-

erty'

Fire and Life Safety: "Regional Radio Communications System"

GOVERNMENT FINANCE OFFICERS ASSOCIATION (GFOA) ACHIEVEMENT AWARD

Ms. Shelley Carmichael, Virginia representative to GFOA, presented the GFOA Certificate of Achievement for Excellence in Financial Reporting for 2003 to the staff of the Department of Financial and Management Services, and the Distinguished Budget Award for Fiscal Year 2004 to Director of Financial and Management Services, Marycarol White, and Chief of Budget and Financial Reporting, Sharon Day.

FISCAL YEAR 2004 AUDITED FINANCIAL STATEMENT

Mr. John Montoro and Mr. Mike Sherrod, representatives of the accounting firm of Cherry, Bekhaert & Holland, appeared to make a presentation on the York County Financial Statement. They indicated that an unqualified report had been issued on the comprehensive annual financial statements, which is the highest reporting standard available, and which is conducted for the purpose of having an independent, third–party entity review accounting transactions and policies to determine compliance with laws and regulations.

CITIZENS COMMENT PERIOD

Ms. Jane Winbush, representing citizens of Yorktown Road, appeared to petition the Board for sewer for several homes on Yorktown Road. She stated those citizens were far down on the priority list for sewer connection, and she asked the Board to move their priority up. She stated the septic systems were old, with many of them failing. Ms. Winbush presented the Board with a petition signed by area residents who were requesting sewer hook up.

COUNTY ATTORNEY REPORTS AND REQUESTS

No report was given this evening.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds provided information on the leaf collection that is underway and will run through January 31. He reported that the Route 17 Revitalization Committee would be seeking the Board's guidance and recommendations for the Route 17 Commercial Revitalization Overlay District. He reminded the Board of its remaining meetings through the end of 2004.

MATTERS PRESENTED BY THE BOARD

<u>Chairman Shepperd</u> referenced the sewer request made by Ms. Winbush and some of his constituents. He asked that staff research the sewer in that area and look at the prioritized list. He stated some of the concerns with sewer in that area are the impact on the Chesapeake

Bay, as well as the cost that could run \$16,000 to \$22,000 per home. Mr. Shepperd stated he will be contacting his constituents to further discuss the issue.

Mrs. Noll related her excitement at election day turnout and stated that 75 percent of York County registered voters participated in the election. She commended the workers at the polls for their help. She then stated she attended a meeting on transportation and discussed the Richmond/Hampton Roads Passenger Rail Study and the need to plan ahead for the future. She pointed out that flyers regarding the leaf collection program would not be mailed out this year, and she announced the pickup dates.

Meeting Recessed: At 7:53 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened: At 8:04 p.m. the meeting was reconvened in open session by order of the Chair.

JOINT PUBLIC HEARING

SECONDARY ROAD IMPROVEMENT PLAN, FY2005-2006 THROUGH FY2010-2011

Mr. Carter and Mr. Steele gave a joint presentation on the proposed list of priorities and allocations for the Secondary Road System Improvements for FY2006 through FY2011.

<u>Chairman Shepperd</u> called to order a public hearing on proposed Resolution R04-163 which was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A PROJECT PRIORITY LISTING FOR SECONDARY ROAD CONSTRUCTION FOR THE SIX-YEAR PERIOD FY2005-06 THROUGH FY2010-11 AND TO APPROVE A CONSTRUCTION BUDGET FOR FY 2005-2006

There being no one present who wished to speak concerning the subject resolution, <u>Chairman Shepperd</u> closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R04-163 which reads:

A RESOLUTION TO APPROVE A PROJECT PRIORITY LISTING FOR SECONDARY ROAD CONSTRUCTION FOR THE SIX-YEAR PERIOD FY2005-06 THROUGH FY2010-11 AND TO APPROVE A CONSTRUCTION BUDGET FOR FY 2005-2006

WHEREAS, the York County Board of Supervisors has been requested to give consideration to a proposed program of secondary road improvements contained in the six-year plan; and

WHEREAS, the Resident Engineer of the Virginia Department of Transportation has provided a recommended program which the Board of Supervisors has carefully considered; and

WHEREAS, the York County Planning Commission has specifically reviewed the proposed projects and determined them to be in conformance with the York County Comprehensive Plan; and

WHEREAS, the Board and the Virginia Department of Transportation have jointly conducted a duly advertised public hearing on the proposal in accordance with applicable procedures; and

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of November, 2004, that the Board does hereby adopt the following project priorities for the Six-Year Secondary Road Plan during the six-year period of FY2005-2006 through FY2010-2011:

1. **Cary's Chapel Road** – construct intersection improvement at Victory Boulevard (Route 171).

- 2. **Big Bethel Road** intersection improvements at Route 134 and Route 171.
- 3. **Fort Eustis Boulevard Extension** construct a new road on a new location between the current terminus at Patriot Square Shopping Center and Old York-Hampton Highway (Route 634).
- 4. **Grafton Drive** reconstruct and re-align Grafton Drive/Dare Road/Route 17 intersection to accommodate connection of Grafton Drive and Burts Road.
- 5. **Lakeside Drive** intersection and turning lane improvements between Route 17 and Dare Road.
- Penniman Road reconstruct and repave from Alexander Lee Parkway to Fillmore Drive.
- 7. **Burts Road** connect with Grafton Drive on a new corridor alignment parallel to Route 17.
- 8. **Yorkville Road** improve 90-degree curve.
- 9. **Cook Road** provide 20% local match for CMAQ-funded project to construct bicycle lanes between the northern intersection of Surrender Road and Ballard Street.
- 10. **Water Country Parkway** relocate/re-align to eliminate s-curve and reconstruct to improve access to economic priority area.

BE IT FURTHER RESOLVED that the Board of Supervisors hereby approves the Secondary System Construction Budget for FY 2005-2006 as presented by the Resident Engineer of the Virginia Department of Transportation.

BE IT STILL FURTHER RESOLVED that the Resident Engineer be, and he is hereby, commended for his assistance and support in addressing the transportation needs of the County.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and he is hereby, authorized to sign and execute all such documents as are necessary to evidence the Board's approval of the Construction Budget and the Six-Year Plan.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd

Nav: (0)

PUBLIC HEARINGS

APPLICATION NO. UP-649-04, GARY D. STAPLES

Mr. Carter gave a presentation on Application No. UP-649-04 to approve a use permit to authorize a 704-square foot accessory apartment on the second floor of a proposed detached garage to be located at 109 Link Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R04-156.

<u>Chairman Shepperd</u> called to order a public hearing on Application No. UP-649-04 which was duly advertised as required by law. Proposed Resolution R04-156 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 109 LINK ROAD

There being no one present who wished to speak concerning the subject application, <u>Chairman Shepperd</u> closed the public hearing.

Mr. Bowman then moved the adoption of proposed Resolution R04-156 which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 109 LINK ROAD

WHEREAS, Gary D. Staples has submitted Application No. UP-649-04 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be constructed on property located at 109 Link Road and further identified as Assessor's Parcel No. 30-1-7; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of November, 2004, that Application No. UP-649-04 be, and is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to allow a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within a proposed two-story garage on property located at 109 Link Road and identified as Assessor's Parcel No. 30-1-7, subject to the following conditions:

- 1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained on the second floor of a proposed two-story detached garage on property located at 109 Link Road and further identified as Assessor's Parcel No. 30-1-7.
- 2. The apartment shall be contained within the existing structure located at the northwest corner of the subject property as indicated on the plat submitted by the applicant titled "Site Plan of Parcel 7, Subdivision of Property of Suzanne Y. Montague for Gary Staples and Glenda Staples," dated November 6, 2002, prepared by The Sirine Group, Ltd. and received by the Planning Division on September 1, 2004. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on September 1, 2004 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.
- 3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
- 4. Habitable floor area of the accessory apartment unit shall not contain in excess of 704 square feet.
- 5. The accessory apartment unit shall contain no more than one (1) bedroom.
- 6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
- 7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.

- 8. Any development on the lot shall be in compliance with Section 24.1-372 of the County Zoning Ordinance.
- 9. In accordance with Section 24.1-407(k) of the County Zoning Ordinance, prior to issuance of a building permit for the accessory apartment, the applicant shall be responsible for recording a deed restriction document with the Clerk of the Circuit Court stipulating that the subject accessory apartment will be used, occupied and maintained in accordance with standards and restrictions set forth in Section 24.1-407 of said Ordinance. A Court-certified copy of the document shall be submitted to the County at the time of building permit application.
- 10. Issuance of this Special Use Permit does not supersede any legally recorded restrictive covenants that may apply to the subject property, nor does it relieve the applicant and/or property owner of any obligation to secure approvals that may be required by a homeowners' association in accordance with said covenants.
- 11. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd

Nay: (0)

APPLICATION NO. SE-15-04, SOUTHERN MARYLAND OIL, INC.

<u>Mr. Carter</u> gave a presentation on Application No. SE-15-04 to approve a special exception to the York County Zoning Ordinance to replace trees removed without authorization from a required 35-foot greenbelt buffer along Victory Boulevard on a parcel of land located at 600 Hampton Highway.

Mr. Burgett shared his concerns over the leyland cypress trees proposed in the replacement plan.

Mr. Bowman asked if a fine was levied on the owners.

<u>Mr. Carter</u> stated a fine was not imposed, and the owners were very responsive in acknowledging the mistake and submitting a plan for landscaping.

Chairman Shepperd asked about VDOT's responsibility in this issue.

Mr. Carter explained that VDOT had promised to refer future issues of this nature to the County.

Discussion ensued concerning the type and size of trees removed from the area and the design to correct the landscape.

<u>Chairman Shepperd</u> voiced his concern over the large amount and the types of trees proposed to be replaced. He stated he did not feel it would constitute a natural state for the greenbelt.

Mr. Robert Bock, representative from Southern Maryland Oil Company, appeared to apologize and explain how the owner of the station inadvertently removed the trees. He explained that no one intended to violate any rules; but there was limited access to the business, and they simply wanted to restore some visibility to the station. He then offered to replace what was taken out, and he explained that they did not like the landscape architect's plan, which was just following the County's ordinance and which was requiring more plantings than were removed. He stated there were previously no plantings in the front, so he could not understand why the County was requiring him to add trees at this time.

Discussion ensued on the proposed design.

<u>Chairman Shepperd</u> then called to order a public hearing on Application SE-15-04 which was duly advertised as required by law. Proposed Resolution R04-161 is entitled:

A RESOLUTION TO APPROVE APPLICATION NO. SE-15-04 TO AUTHORIZE THE REPLACEMENT OF TREES REMOVED WITHOUT AUTHORIZATION FROM A REQUIRED 35' GREENBELT BUFFER ALONG VICTORY BOULEVARD (ROUTE 171) ON A 0.93-ACRE PARCEL OF LAND LOCATED AT 600 HAMPTON HIGHWAY (ROUTE 134)

There being no one present who wished to speak concerning the subject application, <u>Chairman</u> Shepperd closed the public hearing.

<u>Mrs. Noll</u> stated she felt the staff may have gone a little overboard to require so many replacement trees. She stated she does not agree with planting tree for tree, and she expressed concern about the types of trees proposed. Mrs. Noll pointed out that the County is trying very hard to beautify the County and, as businesses expand, the landscaping should be considered.

Mr. Burgett stated the replanting requirement in the landscaping ordinance was overkill, and he cited the Racetrac station as an example where there are so many trees it is becoming crowded. He stated he did not feel it was right to make the station put something out front when it was not originally there. Mr. Burgett stated he did not think this plan was reasonable, and the applicant should be required to replace only what was taken down.

Mr. Zaremba suggested that the applicant be required to replace the trees according to the 1991 landscaping ordinance that was in place when the business opened.

Mr. Bowman suggested the applicant replace the trees with the same species of trees, and that staff handle this type of problem rather than bringing it before the Board. He stated he felt that 33 trees were excessive and costly to add, and he stated he felt this was an honest mistake. Mr. Bowman suggested the applicant be required to replace the amount of trees taken down.

<u>Chairman Shepperd</u> expressed his displeasure of VDOT's error in misguiding the owners. He directed Mr. McReynolds to draft a letter to VDOT expressing the Board's feelings on this issue. He then suggested that the applicant should develop a revised landscaping proposal, and that the Board develop a flexible plan for these types of situations at a work session next year and that the matter be tabled.

Mrs. Noll moved that Application No. SE-15-04 be tabled.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd

Nay: (0)

NAME CHANGE FOR THE INDUSTRIAL DEVELOPMENT AUTHORITY

Mr. James Noel, Director of the Office of Economic Development, gave a presentation on proposed Ordinance No. 04-27 to amend the York County Code to change the name of the Industrial Development Authority of York County, Virginia, to the Economic Development Authority of York County, Virginia.

<u>Chairman Shepperd</u> called to order a public hearing on proposed Ordinance No. 04-27 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 2-48 OF THE YORK COUNTY CODE TO CHANGE THE NAME OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF YORK COUNTY, VIRGINIA, TO

THE ECONOMIC DEVELOPMENT AUTHORITY OF YORK COUNTY, VIRGINIA

There being no one present who wished to speak concerning the subject ordinance, <u>Chairman Shepperd</u> closed the public hearing.

Mr. Burgett then moved the adoption of proposed Ordinance R04-27 which reads:

AN ORDINANCE TO AMEND SECTION 2-48 OF THE YORK COUNTY CODE TO CHANGE THE NAME OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF YORK COUNTY, VIRGINIA, TO THE ECONOMIC DEVELOPMENT AUTHORITY OF YORK COUNTY, VIRGINIA

WHEREAS, the 2004 General Assembly amended Code of Virginia Section 15.2-4903 to allow any locality to change the name of its Industrial Development Authority to the "Economic Development Authority" of the locality, if so authorized by the local governing body; and

WHEREAS, the expanding roll of the Industrial Development Authority in attracting commerce to the County not limited to industrial commerce suggests that such a name change is appropriate and indicative of the Authority's true function;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors that Section 2-48 of the County Code of York County is hereby amended as follows:

Sec. 2-48. Name.

The name of the political subdivision of the Commonwealth created hereby shall be the Economic Development Authority of York County, Virginia.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd

Nay: (0)

EASEMENT FOR SKIMINO SEWER PROJECT

<u>Mr. Barnett</u> gave a presentation on proposed Resolution R04-164 to declare the necessity to enter upon and take a 1,096 square foot utility easement located at 112 Nina Circle in connection with the Skimino Hills sewer project.

<u>Chairman Shepperd</u> called to order a public hearing on Resolution R04-164 which was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON AND TAKE A 1,096 SQUARE FOOT PERMANENT UTILITY EASEMENT LOCATED ON PROPERTY AT 112 NINA CIRCLE, TAX MAP PARCEL NO. 2F-7-7-127 IN CONNECTION WITH THE SKIMINO HILLS SEWER PROJECT

There being no one present who wished to speak concerning the subject resolution, <u>Chairman Shepperd</u> closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R04-164 which reads:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON AND TAKE A 1,096 SQUARE FOOT PERMANENT UTILITY EASEMENT LOCATED ON PROPERTY AT 112 NINA CIRCLE, TAX MAP PARCEL NO. 2F-7-7-127 IN CONNECTION WITH THE SKIMINO HILLS SEWER PROJECT

WHEREAS, it is necessary to obtain certain easements in connection with the Skimino Hills sewer project; and

WHEREAS, for various reasons, the County is not able to obtain from the owner of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interests; and

WHEREAS, plat of the interest in real property to be acquired have been prepared by Draper Aden Associates, and appraisals of such interests have been prepared; and

WHEREAS, § 15.2-1905 C, Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding, maintaining, or repairing pipelines, meter boxes, pumps, or any other appurtenances to a sewerage disposal and water system.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of November, 2004, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of the Back Creek sewer project, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County for each are the following, which interests are more particularly described on the plat attached to the Report of the County Attorney dated November 3, 2004, and incorporated herein by this reference:

Tax Map No. 2F-7-7-127

A permanent utility easement as shown on a plat entitled "Compiled Plat Showing Proposed 15' Permanent Utility Easement Across the Property of Marsha G. Forrest, Skimino Hills, Section Seven, Lot 127, Bruton Magisterial District, York County, Virginia," dated June 30, 2004, prepared by Draper Aden Associates, and designated as "Proposed 15' Permanent Utility Easement Hereby Conveyed to York County, 1,096 sq. ft." Value offered to Owner: \$898.00.

BE IT STILL FURTHER RESOLVED that the Chairman of the Board of Supervisors, the County Treasurer and the County Attorney are hereby authorized and directed, for and on behalf of the County, to execute certificate to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amounts set forth above as the fair value, and damages if any, of the interests to be taken, will be paid the owner in accordance with the provisions of State law and upon order of the Court.

BE IT STILL FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the Board of Supervisors to acquire title to the interests in the property described above, including, if necessary, any other easements or restrictions that may affect the easements sought to be acquired, and to do all things necessary as a prerequisite thereto.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd

Nav: (0)

MATTERS PRESENTED BY THE BOARD (continued)

<u>Mr. Burgett</u> stated it was a pleasure to work the polls in his district on election day and that that many people came out to vote. He reported on attending the master gardener graduation for 40 new master gardeners from all localities, with the majority being from York County. He

announced the upcoming 13th anniversary of the Senior Center and reported on his attendance at the recent Virginia Association of Counties (VACo) conference. He noted that one of the legislative activities supported by VACo is the authority to place a nuisance tax on vacated, blighted, or derelict property, and he expressed his support for this VACO initiative.

Mr. Zaremba announced the ribbon cutting of the new Home Depot located in District 1, and he stated that Ukrops will be opening there next year as well. He displayed pictures from two residences located in the West Queens Lake area concerning a tree limb which was down on two power lines, explaining that this is the third time this has happened, and he asked the staff to contact Dominion Resources to resolve the problem. He reported attending the Williamsburg Area Destination Marketing Committee where he received a presentation on creating tourism in the area.

Mr. Bowman stated he met with the Steering Committee concerning the Comprehensive Plan meetings. He announced that the County has contracted with Continental Research Associates to conduct a telephone survey of citizens' opinions based on questions the Steering Committee has prepared. Mr. Bowman noted he had attended the dedication of the Albert G. Horton Veterans Cemetery that will accommodate 11,000 grave sites. He discussed the meeting held on the proposed Boys and Girls Club, and then wished everyone a safe Thanksgiving holiday.

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 6, 7, and 8, respectively.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd

Nav: (0

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 6. APPROVAL OF MINUTES

The minutes of the following meeting of the York County Board of Supervisors were approved:

October 26, 2004, Regular Meeting

<u>Item No. 7. PUBLIC SEWER EXTENSION AGREEMENT: INTERNATIONAL CENTER, PHASE II:</u> Resolution R04-158.

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS INTERNATIONAL CENTER, PHASE II, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Bulifants, L.P. has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve five new commercial lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$17,550.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of November, 2004, that the Board approves the extension of the County's public sewer system to serve the proposed development, International Center, Phase II, and that the County Administrator be, and he hereby is, authorized to execute a public sewer extension agreement with Bulifants L.P. for the proposed extension; such agreement to be approved as to form by the County Attorney.

<u>Item No. 8. PUBLIC WATER EXTENSION AGREEMENT: INTERNATIONAL CENTER, PHASE II:</u> <u>Resolution R04-159.</u>

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S WATER SYSTEM TO A PROPOSED DEVELOPMENT KNOWN AS INTERNATIONAL CENTER, PHASE II, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC WATER EXTENSION AGREEMENT

WHEREAS, Bulifants, L.P. has requested that the County enter into a public water extension agreement pursuant to § 22-88 (b) of the York County Code to serve five new commercial lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether the Board will authorize the extension of the public water facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing water system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

WHEREAS, in accordance with the terms of Chapter 22 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$12,950.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of November, 2004, that the Board approves the extension of the County's public water system to serve the proposed development, International Center, Phase II, and that the County Administrator be, and he hereby is, authorized to execute a public water extension agreement with Bulifants, L.P. for the proposed extension; such agreement to be approved as to form by the County Attorney.

CLOSED MEETING. At 9:39 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions, and the salary of a specific public appointee; and Section 2.2-3711(a)(3) pertaining to real property used for a public purpose, specifically pertaining to the disposition of publicly held property.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd

Nay: (0)

<u>Meeting Reconvened</u>. At 10:15 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM OF INFORMATION ACT REGARDING MEETING IN CLOSED MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of November, 2004, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd

Nay: (0)

RECOMMENDATION FOR APPOINTMENT TO THE YORK COUNTY BOARD OF ZON-ING/SUBDIVISION APPEALS

Mr. Burgett moved the adoption of proposed Resolution R04-157 which reads:

A RESOLUTION TO RECOMMEND THE APPOINTMENT OF AN INDIVIDUAL TO THE YORK COUNTY BOARD OF ZON-ING/SUBDIVISION APPEALS

WHEREAS, the term of Stamy E. Edmisten, Jr. on the York County Board of Zoning/Subdivision Appeals expires on December 31, 2004; and

WHEREAS, Mr. Edmisten was first appointed to the Board of Zoning/Subdivision Appeals on June 9, 1978; and

WHEREAS, Mr. Edmisten is eligible for reappointment to said Board and has indicated he wishes to serve another term;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors, this the 16th day of November, 2004, that Robert E. Beil, Jr. be, and he hereby is, recommended for appointment to the York County Board of Zoning/Subdivision Appeals, such term to begin January 1, 2005, and expire December 31, 2009.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd

Nay: (C

APPOINTMENT TO THE YORK-POQUOSON SOCIAL SERVICES BOARD

Mrs. Noll moved the adoption of proposed Resolution R04-138 which reads:

A RESOLUTION TO APPOINT A YORK COUNTY REPRESENTATIVE TO THE YORK-POQUOSON SOCIAL SERVICES BOARD

WHEREAS, Robin B. Bledsoe has resigned as a member of the York-Poquoson Social Services Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of November 2004, that Mrs. Mary Lou Wassel, be and is hereby, appointed to the York-Poquoson Social Services Board to fill the unexpired term of Robin B. Bledsoe, such term to begin immediately and end December 31, 2005.

On roll call the vote was:

Noll, Bowman, Burgett, Zaremba, Shepperd Yea: (5)Nay: (0)

Meeting Adjourned. At 10:35 p.m. Chairman Shepperd moved that the meeting be adjourned to 6:00 p.m., Tuesday, November 23, 2004, in the East Room, York Hall, for the purpose of conducting a work session.

James O. McReynolds, Clerk Thomas G. Shepperd, Jr., Chairman

York County Board of Supervisors

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